

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

**ENTERED**

December 01, 2022

Nathan Ochsner, Clerk

THE DOW CHEMICAL COMPANY           §  
   §  
VS   §   CIVIL ACTION NO. H: 21-2604  
   §  
BUCHANAN HAULING & RIGGING, INC.   §

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Pending before the Court in the above referenced proceeding are the Defendant's Amended Motion for Summary Judgment (Doc. No. 23); Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment and Cross-Motion for Partial summary Judgment (Doc. No. 26); and Judge Sheldon's Memorandum and Recommendation (Doc. No. 32) that the Court grant Defendant's motion and deny Plaintiff's Motion. No objections were filed by either party and the time for doing so has passed.

Upon review, the Court agrees with the Magistrate Judge's conclusions. Accordingly, the Court hereby

**ORDERS** that the Memorandum and Recommendation (Doc. No. 32) is **ADOPTED**. Defendant's Amended Motion for Summary Judgment (Doc. No. 23) is **GRANTED**, and Plaintiff's Cross-Motion for Partial Summary Judgment (Doc. No. 26) is **DENIED**.

Plaintiff's case is **DISMISSED WITH PREJUDICE**.

Entry of this Order shall constitute entry of Final Judgment.

SIGNED at Houston, Texas, this 29<sup>th</sup> day of November 2022.



---

ANDREW S. HANEN  
UNITED STATES DISTRICT JUDGE